

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER****DO NOT WRITE IN THIS SPACE**Case  
04-CA-273284Date Filed  
2/25/21**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer Dassault Falcon Jet Wilmington Corp.		b. Tel. No. 302-322-7513
		c. Cell No.
		f. Fax No. 302-322-7275
d. Address (Street, city, state, and ZIP code) 191 North DuPont Highway New Castle, DE 19720	e. Employer Representative Diane Kearns	g. e-mail diane.kearns@falconjet.com
		h. Number of workers employed 150
i. Type of Establishment (factory, mine, wholesaler, etc.) Service Center	j. Identify principal product or service Aircraft Maintenance	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3 and 5 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

In the last six months, the Employer has refused and failed to bargain in good faith. This failure and refusal includes prematurely declaring impasse and then unilaterally imposing terms and conditions of employment. The improperly imposed terms include the Employer's ability to, wholly within its discretion, subcontract any unit work and permanently lay off displaced unit employees. The Employer has taken action pursuant to this imposed term.

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**

Internationa Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW

4a. Address (Street and number, city, state, and ZIP code) 8000 E Jefferson Ave., Detroit, MI 48214	4b. Tel. No. 313.926.5216
	4c. Cell No. 248.571.4999
	4d. Fax No.
	4e. e-mail emacey@uaw.net

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**

Internationa Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW

**6. DECLARATION**

I declare that I have read the above charge and that the statements  
are true to the best of my knowledge and belief.

/s/ Edward Macey

Edward Macey, Associate General Counsel

(signature of representative or person making charge)

(Print/type name and title or office, if any)

8000 E Jefferson Ave., Detroit, MI 48214

Address

Date 2/24/21

Tel. No.  
313.926.5216Office, if any, Cell No.  
248.571.4999

Fax No.

e-mail  
emacey@uaw.net**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 4  
100 E Penn Square  
Suite 403  
Philadelphia, PA 19107

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (215)597-7601  
Fax: (215)597-7658

June 11, 2021

Edward Macey, Associate General Counsel  
International Union, United Automobile,  
Aerospace & Agricultural Implement  
Workers of America--UAW  
8000 E Jefferson  
Detroit, MI 48214

Re: Dassault Falcon Jet Wilmington Corp.  
Case 04-CA-273284

Dear Mr. Macey:

We have carefully investigated and considered your charge that Dassault Falcon Jet Wilmington Corp. has violated the National Labor Relations Act.

**Decision to Partially Dismiss:** Based on that investigation, I have decided to dismiss the portion of the charge alleging that the Employer violated Section 8(a)(3) of the Act. The remaining allegations are being processed further.

**Charging Party's Right to Appeal:** The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

**Means of Filing:** You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at [www.nlr.gov](http://www.nlr.gov). See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available at [www.nlr.gov](http://www.nlr.gov). If you require additional assistance with E-Filing, please contact [e-Filing@nlrb.gov](mailto:e-Filing@nlrb.gov)).

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

**Appeal Due Date:** The appeal is due on **June 25, 2021**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a

delivery service no later than June 24, 2021. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before June 25, 2021.** The request may be filed electronically through the *E-File Documents* link on our website [www.nlrb.gov](http://www.nlrb.gov), by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after June 25, 2021, **even if it is postmarked or given to the delivery service before the due date.** Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,



Thomas Goonan  
Regional Director

Enclosure

cc: Diane Kearns, Director of HR  
Dassault Falcon Jet Wilmington Corp.  
191 N. Dupont Highway  
New Castle, DE 19720

Francine Esposito, Esquire  
Patrick J. McCarthy, Esquire  
Day Pitney LLP  
One Jefferson Road  
Parsippany, NJ 07054

Steven A Cash, Esquire  
Day Pitney, LLC  
555 11th Street, NW  
Washington, DC 20004

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

**APPEAL FORM**

To: General Counsel  
Attn: Office of Appeals  
National Labor Relations Board  
1015 Half Street SE  
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

---

Case Name(s).

---

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

---

*(Signature)*

## E-FILING TO APPEALS

1. **Extension of Time:** This document is used when the Charging Party is asking for more time to efile an Appeal.
  - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
  - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
2. **File an Appeal:** If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
  - Only **one (1) Appeal** can be e-filed to **each** determination in the Region's decision letter that is received.
  - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
3. **Notice of Appearance:** Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
  - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
  - This document can be e-filed **before** an Appeal is e-filed.
4. **Correspondence:** Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
  - Correspondence is used to e-file documents **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
5. **Position Statement:** The Charging Party or Charged Party may e-file a Position Statement.
  - The Charging Party will e-file this document as a supplement of the Appeal.
  - The Charged Party will specifically file one to support the Region's decision.
  - This document should be e-filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
6. **Withdrawal Request:** If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
  - This document should be e-Filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.



7. The selections of **Evidence** or **Other** should no longer be used.



UNITED STATES GOVERNMENT  
**NATIONAL LABOR RELATIONS BOARD**  
OFFICE OF THE GENERAL COUNSEL  
Washington, DC 20570

October 13, 2021

STUART SHOUP, ESQ.  
INTERNATIONAL UNION, UNITED  
AUTOMOBILE, AEROSPACE AND  
AGRICULTURAL IMPLEMENT  
WORKERS OF AMERICA, UAW  
8000 E JEFFERSON AVE  
DETROIT, MI 48214-3963

Dassault Falcon Jet Wilmington Corp.  
Case 04-CA-273284

Dear Mr. Shoup:

Your appeal from the Regional Director's refusal to issue complaint has been carefully considered. The appeal is denied substantially for the reasons in the Regional Director's letter of June 11, 2021. We determined that a departure from the Regional Director's decision was not warranted, and that the dismissal of the Section 8(a)(1) and (3) allegation that the Employer's bargaining proposals were inherently destructive under *Great Dane Trailers*, 388 U.S. 26 (1967), was proper. In that regard, the evidence was insufficient to establish that the Employer's proposals were either aimed at or had the impact of interfering with employees' Section 7 rights.

Please note that the denial of the appeal with respect to the Section 8(a)(1) and (3) allegation, however, does not impact the other portion of the charge, the Section 8(a)(1) and (5) allegation, which remains open and is being further processed by the Region.

Sincerely,

Jennifer A. Abruzzo  
General Counsel

A handwritten signature in black ink, reading "Mark E. Arbesfeld", is written over a horizontal line.

By:

Mark E. Arbesfeld, Director  
Office of Appeals

cc: THOMAS GOONAN  
REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS  
BOARD  
100 E PENN SQ STE 403  
PHILADELPHIA, PA 19107

FRANCINE ESPOSITO, ESQ.  
DAY PITNEY LLP  
ONE JEFFERSON RD  
PARSIPPANY, NJ 07054

STEVEN A. CASH, ESQ.  
DAY PITNEY, LLC  
555 11<sup>TH</sup> ST NW  
WASHINGTON, DC 20004

DIANE KEARNS  
DASSAULT FALCON JET  
WILMINGTON CORP.  
191 N DUPONT HWY  
NEW CASTLE, DE 19720

PATRICK J. MCCARTHY, ESQ.  
DAY PITNEY, LLP  
ONE JEFFERSON RD  
PARSIPPANY, NJ 07054-2891

EDWARD MACEY  
ASSOCIATE GENERAL COUNSEL  
INTERNATIONAL UNION, UNITED  
AUTOMOBILE, AEROSPACE  
& AGRICULTURAL IMPLEMENT  
WORKERS OF AMERICA--UAW  
8000 E JEFFERSON  
DETROIT, MI 48214

cl